



Signed and Filed: March 31, 2022

A handwritten signature in black ink, reading "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:)	Case No. 19-31024 HLB
)	
RICHARD TOM,)	Chapter 7
)	
Debtor.)	
)	
MARK NG, KENDALL NG, and)	
LORAIN WONG,)	Adv. Proc. No. 19-3065 HLB
)	
Plaintiff,)	
)	
v.)	
)	
RICHARD TOM,)	
)	
Defendant.)	

SECOND ORDER REGARDING DISCOVERY DISPUTE

This proceeding came before the court on March 31, 2022 for a hearing set pursuant to the court's Order Setting Hearing, issued March 21, 2022.¹ The hearing pertained to a discovery dispute described in correspondence submitted on March 18, 2022 by counsel for Plaintiffs Mark Ng, Kendall Ng, and Loraine Wong, pursuant to Paragraph D of the court's Practices & Procedures. Consistent with the March 21 Order, respondents Green Oasis Limited Partnership ("GOLP") and Pacific Golden Asia LLC ("PGA")

¹ Dkt. 69 (the "March 21 Order").

1 submitted a joint response on March 24, 2022.² Also consistent
2 with the March 21 Order, Defendant Richard Tom submitted a
3 response on March 25, 2022.³ Appearances were as noted on the
4 record.

5 Plaintiffs requested that the court order counsel for GOLP
6 and PGA to instruct Ms. Kenesha Fudge, who had been designated as
7 a witness by GOLP and PGA pursuant to Rule 30(b)(6) of the
8 Federal Rules of Civil Procedure⁴ and identified by Defendant
9 Richard Tom as Trustee for the Moon Revocable Trust ("Moon"), to
10 make herself available for service of a deposition subpoena as
11 Trustee of Moon. In the alternative, Plaintiffs ask the court to
12 order Ms. Fudge to appear for a deposition in her capacity as
13 Trustee of Moon.

14 In the response submitted by counsel for GOLP and PGA,
15 counsel represented that he would accept service of a subpoena on
16 behalf of Ms. Fudge. At the March 31 hearing, Plaintiffs'
17 counsel confirmed that counsel for GOLP and PGA has accepted
18 service of such a subpoena and further confirmed that this
19 discovery dispute is now resolved.

20 Accordingly, the court **ORDERS** as follows:

21 **1.** The court hereby **DENIES AS MOOT** Plaintiffs request for
22 an order requiring Ms. Fudge to make herself available for
23
24

25 ² Dkt. 71.

26 ³ Dkt. 72.

27 ⁴ Rule 30 of the Federal Rules of Civil Procedure applies in its entirety in
28 this adversary proceeding pursuant to Rule 7030 of the Federal Rules of
Bankruptcy Procedure.

1 service of a deposition subpoena in her capacity as Trustee for
2 Moon.

3 **2.** Ms. Fudge shall appear for such deposition on a date on
4 or before **May 31, 2022** that she and Plaintiffs shall negotiate in
5 good faith.

6 **3.** The fact discovery deadline set forth in the court's
7 order of February 8, 2022⁵ is hereby **EXTENDED** through **May 31,**
8 **2022** for the purpose of completing the deposition required by
9 this order.

10 ****END OF ORDER****

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

⁵ Dkt. 44.

Court Service List

[None]